

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MONTE C. PIERCE,**

**Plaintiff,**

**VS.**

**VASCA, INC.,**

**Defendant.**

8:06CV286

## ORDER

This matter is before the court on plaintiff's Motion to Compel Defendant's Discovery Responses [50], as supplemented by Filing [52]. Plaintiff has complied with NECivR 7.1(i). The defendant did not respond to the motion.

The record shows that plaintiff served interrogatories and requests for production of documents on the defendant in July 2007. The defendant did not respond to any of the discovery requests.

The court has reviewed the requests and finds that they are appropriate under Fed. R. Civ. P. 26(b). The court further finds that, by failing to timely respond to the requests or to the motion to compel, defendant has waived all objections to the discovery requests and that plaintiff's motion should be granted. Defendant will be given until and including **February 8, 2008** to provide all information that is responsive to the plaintiff's discovery requests.

Defendant is cautioned that failure to comply with this order and failure to respond to plaintiff's outstanding discovery requests may have very serious consequences. Rule 37 of the Federal Rules of Civil Procedure provides an array of sanctions a court may impose

for a party's failure to obey a court's discovery order, including the exclusion of evidence, payment of costs and attorney's fees and/or entry of judgment in favor of the opposing party.

**IT IS ORDERED:**

1. Plaintiff's Motion to Compel [50] is granted.
2. Defendant is given a final extension of time until and including **February 8, 2008** to serve all information that is responsive to the plaintiff's discovery requests.

**DATED January 25, 2008.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**